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Review of Nicaragua's Commitments to the OAS

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Following is an address by Ambassador J. William Middendorf II, U.S. Permanent Representative to the Organization of American States (OAS), before the OAS Permanent Council, Washington, D.C., July 18, 1984.

The U.S. delegation wishes to raise the matter of the solemn commitments made to the Secretary General of this body by the Sandinista junta 5 years ago on July 12, 1979. This is not intervention—this is reviewing our own role after commitments made to it by a member state. As a result of these commitments and our own OAS resolutions, we brought down a sitting government. Tomorrow will be the fifth anniversary of the date that the junta took effective control of Managua; but, regrettably, very little progress has been made in putting into effect these commitments.

You will recall that these commitments were made as a response to the resolution of the 17th Meeting of Consultation of the Ministers of Foreign Affairs of member countries of the OAS. According to Document 25 of this body, published June 30, 1981, this resolution "for the first time in the history of the OAS, deprived an incumbent member government of legitimacy" when it asked that the Nicaraguan Government be "immediately and definitively" replaced.

The resolution in question said that a solution to Nicaragua's problems was exclusively within the jurisdiction of the Nicaraguan people but then proceeded to dictate how the problems should be settled. In addition to demanding a sitting president's ouster, the resolution:

- Said that a "democratic" government was to replace the existing government. Its composition was to include "the principal representative groups which oppose the existing regime and which reflect the free will of the people of Nicaragua";
- Said that the human rights of all Nicaraguans, without exception, should be respected; and
- Called for the holding of free elections as soon as possible, leading to the establishment of a "truly democratic government that guarantees peace, freedom, and justice."

The Ministers of Foreign Affairs went on to urge the member states to take steps that were within their reach to facilitate an enduring and peaceful solution of the Nicaraguan problem based on these points "scrupulously respecting the principle of non-intervention."

They also asked that member states promote humanitarian assistance to Nicaragua and contribute to the social and economic recovery of the country. Many countries responded with an open heart, including my own, with the United States donating $118 million in the first 2 years.

I would note that this 17th Meeting of Consultation has never formally adjourned but only recessed. Given the unprecedented involvement of all of us in the process that brought the Sandinista regime to power, the member nations have a continuing interest—indeed, a responsibility—in monitoring the situation in Nicaragua to see whether or not

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the Sandinista government has, indeed, carried out the commitments it so solemnly made to us in 1979.

It is in this context that I propose to examine the record here today, in order to see exactly what has been happening in Nicaragua since the Sandinista junta assumed power there.

Here are the commitments which the junta made to the Secretary General in its letter of June 12, 1979:

- " . . . our firm intention to establish full respect for human rights. . . . ";
- ". . . our decision to enforce civil justice in our country . . . to let justice prevail for the first time in half a century. . . . "; and
- " . . . call Nicaraguans to the first free elections that our country will have in this century. . . . "

To do justice to the full historical record, there were two other promises contained in the same letter, one which spoke of a peaceful and orderly transition from the Somoza government to the Sandinista junta and another permitting so-called collaborators of the Somoza regime, except those responsible for so-called genocide, to leave the country. But I will concentrate here on the matters of human rights, civil justice, and elections.

It should be noted that those who signed for the Sandinista junta were Commandante Daniel Ortega, Violeta de Chamorro, Commandante Sergio Ramirez, Alfonso Robelo, and Moises Hassan. Violetta de Chamorro is no longer a member of the junta, and Alfonso Robelo is in exile in Costa Rica, where he is an outspoken critic of the junta of which he was once a member.

Commitment Number One—Human Rights

" . . . [O]ur firm intention to establish full respect for human rights. . . . "

Nothing has demonstrated the callous disregard of human rights by the Sandinista regime so much as their treatment of the Miskito Indians. Approximately 20,000 Miskitos—one-third of the entire Miskito population—have crossed the border into neighboring Honduras thus far, where they live in refugee camps. They have been victims of the Sandinistas' constant campaigns against them.

It all began with efforts by the Sandinista government to try to force the Miskitos into adapting their way of life to a preconceived Sandinista model. Many of these human rights offenses are detailed in a report just released by the OAS General Assembly on June 4 transmitting a report by the Inter-American Human Rights Commission dated November 29, 1983.

Miskitos have been forcibly relocated from their traditional villages. In a few cases where they resisted, they were killed. Many were force marched to the new area and not allowed to take their belongings with them. In other instances, the government appropriated their farm animals for itself. On February 18, 1982, the Episcopal Conference of Nicaragua, headed by Managua's archbishop, directed a message to the people and Government of Nicaragua denouncing the human rights violations against the Miskitos.

The Miskito Indians long ago adopted the Moravian Church as their primary religious institution. The Sandinistas have harassed the Moravian Church, calling some of its ministers "counterrevolutionaries." They have been asked to change their sermons into vehicles of support for the Sandinista revolution. Church services have been interrupted by Sandinista troops looking for so-called counterrevolutionaries. A Moravian hospital, the only one serving a wide area of eastern Nicaragua, was confiscated by the government and turned into a military headquarters, according to the Miskitos. Many Moravian pastors—out of fear, frustration, or both—have taken refuge in Honduras. Amnesty International, an organization which was highly critical of the previous regime, denounced the Sandinistas in September 1983 for this sort of behavior.

Miskito organizations say their villages have occasionally been bombed by Sandinista planes. Efforts have been made to force them to join the Sandinista militia.

Presumably for security reasons, some Miskitos who were ocean fishermen have been prohibited from fishing, cutting off their livelihood and their principal source of food.

The Miskitos had always maintained their land as communal property of the tribe. The Sandinistas have broken some of these communal holdings up, making them property of the state.

Smaller tribes, such as the Sumo and the Rama, have also suffered similar violations of their human rights at the hands of this so-called peoples' government.

But by no means have human rights violations been limited to indigenous peoples. As you will recall, the Pope, on his visit to Managua, was treated with unheard-of rudeness. Sandinista militants set up a parallel loudspeaker system over which they heckled the Pope and attempted to drown out his sermon. Most of the areas close to the Pope were assigned to these militants, and ordinary Catholics who turned out to receive the Pope's blessings were kept at a distance.

This is a fitting illustration of how the Sandinista government has treated the Catholic Church.

Another example has occurred in recent days with the expulsion of 10 foreign priests from Nicaragua. The ostensible excuse for their expulsion was that they somehow had something to do with a protest demonstration against the house arrest of yet another priest, Father Luis Amado Pena. But a majority of them were not even at the demonstration in question, which, at any rate, was a peaceful demonstration led by the country's archbishop, the sort of a demonstration which would be routinely permitted in any truly democratic country.

The Pope, in commenting on this action, said: "I ask the Lord to illuminate the minds of those responsible so that they may reverse this decision, openly harmful to the church and the needs of the Catholic population of Nicaragua."

In recent years, the Archbishop of Managua, Monsignor Obando y Bravo, has not been able to have the traditional holy week services broadcast on radio and television because the government wanted to subject the process to prior censorship, a demand to which the Archbishop understandably refused to accede. In a crude ploy, a priest, who is the spokesman for the archbishop and director of the Catholic radio station, was accused of having sexual relations with the wife of another man, stripped naked, and paraded in public where Sandinista mobs jeered at him while government press photographers and television crews, which "just happened" to be on the scene, took pictures. The programming of the Catholic Church's radio station has been severely restricted. All Marxist-Leninist governments eventually reveal themselves as atheistic—even though in the case of Nicaragua, a few misguided priests hold high government positions—and these governments use their institutions to promote atheism.

The Sandinistas have attempted to infiltrate Catholic youth groups, and when this largely failed, they set up their own so-called "peoples' church." In November of 1983, all Nicaraguan churches closed for a day in protest against attacks by Sandinista youth mobs on numerous churches.

The Nicaraguan Permanent Committee on Human Rights has itself been the victim of Sandinista government excesses. The former president of the commission, Jose Esteban Gonzalez, made a

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trip to Italy in 1981 where he denounced the existence of political prisoners in Nicaragua. On his return to Managua, a number of supporters and colleagues came to the airport to receive him. They were never allowed to get near him but instead were roughed up and spat upon by Sandinista mobs. Only the presence of the Venezuelan ambassasdor prevented Gonzalez himself from getting roughed up, but he was arrested a week later anyway.

The current president of the Nicaraguan human rights group, Marta Patricia Baltodano, told the Inter-American Human Rights Commission in May of this year that Sandinista laws have institutionalized the violation of human rights. The setting up of so-called Neighborhood Committees for the Defense of the Revolution are really attempts to limit the freedom of the individual Nicaraguan by instituting a control system over the population at the neighborhood level.

Freedom of the press also suffers in Nicaragua. The only independent newspaper, *La Prensa,* has had its publication suspended by the government on numerous occasions and is subject to prior censorship. On countless days, the paper has been so heavily censored that its editors decided not to publish.

A recent example of this happened July 10 when *La Prensa* attempted to report on the expulsion of the 10 priests, an incident which I have already discussed. Three items—one reporting on the government's cancellation of their residency permits, another on Catholics condemning the expulsion, and a third on the fact that they were allowed to leave carrying only the clothes they wore—were censored. Therefore, the editors decided they could not print the edition for that day.

The lack of the right for families to determine how their children will be educated, which we in the United States consider a fundamental human right, has been denounced by the Nicaraguan Parents' Association. The Sandinista government tries to use education to brainwash the young against the ideals of their parents and even to get them to denounce their parents' lack of revolutionary zeal to the authorities in some cases. Intellectual freedom and the freedom to belong to independent labor unions are also restricted in today's Nicaragua.

The human rights of farmers have suffered from Sandinista agricultural policies. The so-called Economic and Social Emergency Law decreed in late 1981 has made the state the only purchaser of farm products. Thus, the farmer can only sell his produce to the government and only at the government's price. Many small farmers have been ruined by this policy, and Nicaragua must now import some foods in which it was previously self-sufficient. At the same time, a large bureaucracy has been established in order to control all activities of the populace, soaking up money which would normally be available for investment in agriculture. Even the newspaper *Nuevo Diario* has complained about the amount of money used to support the bloated Sandinista bureaucracy. All of the foregoing demonstrates that the commitment to " . . . our firm intention to establish full respect for human rights. . . . " has thus far been grossly violated.

Commitment Number Two—Civil Justice

Let us turn our attention to the second Sandinista commitment to " . . . let justice prevail for the first time in half a century. . . . "

Presumably, the Nicaraguan Supreme Court, under the original Sandinista plans, was supposed to have complete autonomy in the judicial area, and lower courts would be dependencies of it. The Inter-American Human Rights Commission in 1981, as well as an international commission of jurists, said that the judicial branch in Nicaragua should be independent from the legislative and executive branches of the government, not to mention the Sandinista party.

But, in reality, other courts have been established which have nothing to do with the concept of judicial independence as we know it. The Supreme Court has no authority over them. One of them is the so-called Peoples' Court at the neighborhood level. These courts spend their time ferreting out so-called counterrevolutionaries in the neighborhood. For example, a neighbor who does not show up for a meeting to promote the Sandinista cause may find himself labeled a counterrevolutionary by one of these courts.

The right of habeus corpus in Nicaragua must be questioned. As in Cuba, people who have been jailed for so-called political crimes are often not released when their sentences have been served. New judges owe their jobs to the Sandinistas and are not about to show any independence on the bench.

There exists no constitution, as such. There was the Economic and Social Emergency Law of 1981 which in 1982 became the State of Emergency. This State of Emergency has been routinely extended every time it was about to expire. Under this system, all laws are issued by government decree. The State of Emergency does not provide for the right of the individual to a defense in a court of law in some cases and in others suspends the civil rights of the individual. This has been denounced by Amnesty International.

Commitment Number Three—Elections

So much for Sandinista justice. Let's turn now to commitment number three, dealing with elections.

We see that elections have been scheduled by the Sandinista government for November 4 of this year, 2 days before our own. As we once had high hopes for the new Nicaraguan Government 5 years ago, can we now have high hopes that at least this commitment will be fulfilled? This is, in itself, a welcome development, but there are some disturbing statements on the record which lead one to question just how open this election process will be. In the letter of July 12, 1979, the Sandinista leaders committed to the OAS to "call Nicaragua to the first free elections our country will have in this century." This was in reply to the resolution of the 17th Meeting of Consultation of the Ministers of Foreign Affairs which had said free elections should be held as soon as possible, leading to the establishment of "a truly democratic government that guarantees peace, freedom and justice."

Yet on August 25, 1981, Commander Humberto Ortega said that elections would not be to contest power but to strengthen the revolution. On July 7 of this year, less than 2 weeks ago, Commander Carlos Nunez Tellez said on *Radio Sandino:*

> The electoral process is the result of a political decision made by the FSLN [Sandinista National Liberation Front], its revolutionary leaders, and the government to reinforce the historical popular plan. There is nothing more alien to the electoral process than sectarianism, dogmatism, and other vices that are characteristic of certain so-called democracies.

Government spokesmen have said in the past: "There are only two types of Nicaraguans, Sandinistas and counterrevolutionaries." Does that mean that candidates and voters for other parties will automatically be labeled counterrevolutionaries? And what kind of treatment will that cause them to receive on the part of the government?

The neighborhood control committees are called Sandinista Defense Committees. They have set up an informer society, modeled on the East German plan and with East German agents controlling their internal security. They

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have the power to deprive a citizen of his food ration card, for example—a card, by the way, which was never needed in Nicaragua until this government came along. These Sandinista defense committees also control access to schools, medicine, and health care.

It is also worrisome that the army is called the Sandinista Army, and other branches of the Armed Forces are similarly named. Thus, the security forces are intimately linked with one of the political parties which will be running in the elections—the Sandinista party.

The electoral council which has been set up is made up exclusively of prominent members of the Sandinista party. Will they be fair to the opposition parties?

And will the state of emergency be lifted for the elections?

Will the opposition parties be able to campaign without interference by authorities or by Sandinista-sponsored youth mobs?

Will opposition parties have equal access to radio and television as compared with the Sandinista party? Will they be able to have party representatives at the polls?

Will the Sandinistas allow international observers to move freely about the country during the election process? How will the ballots be counted and how will results be relayed to election headquarters?

We also note that, as time has gone on, the government has arbitrarily concentrated more and more power in the hands of the Sandinista party. What was once the Government of National Reconstruction is now the Sandinista Peoples' Revolutionary Government. Will the Sandinistas allow this process to be reversed, or are we in for a sham election in November just before our own general assembly?

We have seen how the Sandinistas of Nicaragua have thus far failed to live up to their commitments to the OAS of 5 years ago. It is a shame that the people of Nicaragua, so hopeful in 1979 that their situation would improve, have seen their revolution betrayed by a group of leaders who have aligned themselves with international communism and whose principal concern has been to maintain themselves in power and, indeed, to export communism to their neighbors virtually from the day they took over. We in the OAS, which was deeply involved in the process by which the Sandinistas took power, have a grave responsibility to monitor the fulfillment of these commitments.

In June 1979 a respected scholar on Latin America, Dr. Constantine Menges, wrote: "The defeat of the Somoza Army by the Sandinistas will be followed by a Cuban-type process from which the pro-Castro guerrilla leaders will emerge as the only group with real power." Five years after he wrote this, and 5 years after the Sandinistas' commitments to the OAS, it developed that he was prophetic. ■

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